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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,458	12/08/2004	Mark Thomas Johnson	NL 020502	1360

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TRA, TUYEN Q

ART UNIT PAPER NUMBER

2873

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,458

Applicant(s)

JOHNSON ET AL.

Examiner

Tuyen Q. Tra

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The declaration filed 12/08/04 is acceptable.

Drawings

2. The drawings filed on 12/08/2004 in this application are accepted

Specification Objections

3. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

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- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishi et al. (U.S. Pat. 6,639,580 B1).

- a) With respect to claim 1, Kishi et al. discloses a display device in Figure 30 comprising of a pixel being provided with an one individually addressable pixel obstructing element (item 5, Figure 30), characterized in that a portion of at least one component (item 11, figure 30), being one of an electrical or a mechanical component, is positioned beneath the obstructing element (5) in such a way that the portion is not visible for a viewer of the display device (col. 22, line 59 – col. 23, line 5; col. 26, line 17).
- b) With respect to claim 2, Kishi et al. further discloses wherein the at least one component is a barrier (barrier 5, figure 30).

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- c) With respect to claim 5, Kishi et al. further discloses wherein the device is an electrophoretic display device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi et al. (U.S. Pat. 6,639,580), as applied to claim 1 above, in view of Ackley et al. (US 6,375,899).

Kishi et al. discloses a display device in Figure 30 comprising of a pixel being provided with an one individually addressable pixel obstructing element (item 5, Figure 30), characterized in that a portion of at least one component (item 11, figure 30), being one of an electrical or a mechanical component, is positioned beneath the obstructing element (5) in such a way that the portion is not visible for a viewer of the display device (col. 22, line 59 – col. 23, line 5; col. 26, line 17). However, Kishi et al. does not teach a reservoir electrophoretic device. Within the same field of endeavor, Ackley et al. teach a reservoir electrophoretic device (item 18, Figure 1A).

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the display device such as disclosed by Kishi

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et al., and with a reservoir electrophoretic display such as discloses by Ackley et al., for purpose of storing eletrophoretic fluid.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi et al. (U.S. Pat. 6,639,580), as applied to claim 1 above, in view of Ukigaya (US 6,873,451).

Kishi et al. discloses a display device in Figure 30 comprising of a pixel being provided with an one individually addressable pixel obstructing element (item 5, Figure 30), characterized in that a portion of at least one component (item 11, figure 30), being one of an electrical or a mechanical component, is positioned beneath the obstructing element (5) in such a way that the portion is not visible for a viewer of the display device (col. 22, line 59 – col. 23, line 5; col. 26, line 17). However, Kishi et al. does not teach a reflective element for enabling transfective operation. Within the same field of endeavor, Ukigaya discloses electrophoretic display device with teaching of a reflective layer (not shown) is preferably arranged on the first substrate (10) (col. 12, lines 10-13).

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the display device such as disclosed by Kishi et al., and with a reflective such as discloses by Ukigaya, for purpose of reflecting light.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kishi et al. (US Patent 6,987,502 B1) disclose an electrophoretic display device in figure 4 with an obstructing element (11) and a portion of at least one component (8,5) is positioned beneath the element (11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (571) 272-2343. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mark, can be reached on (571) 272 - 2333. The fax number for this Group is (571) 273-8300.

TT

April 6, 2006



Scott J. Sugaman
Primary Examiner